
Delegated report Officer: Tony Burdett

Application ref. DMOT/2021/1683

The pruning of cedar and yew trees covered by South Derbyshire District Council Tree Preservation Order no. 18 on Land at SK2922 8630, Ashby Road East, Bretby

Valid date: 28/02/2022

Consults expired: 22/04/2022

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

None relevant.

Responses to consultations and publicity

None.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are: ·

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness) ·
- Local Plan Part 2 (LP2): BNE7 (Trees, Woodland and Hedgerows)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF) ·
- Planning Practice Guidance (PPG)

The relevant legislation is:

- The Town and Country Planning (Tree Preservation) Regulations 2012

Planning considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are: ·

- Whether the works are justified
- Whether the resultant biodiversity and amenity value remains acceptable.

Planning assessment

Whether the works are justified

Lower branches are touching the ground, some having partially failed. The works are justified on this

basis.

Whether the resultant biodiversity and amenity value remains acceptable

The trees are substantial and mature. The removal of lower branches to achieve ground clearance would not detract from their high amenity value, and the biodiversity value of the affected trees would be retained, in accord with the objectives of Policies BNE3, BNE4 and BNE7 and the relevant sections of the NPPF.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	22/02/2023
Report agreed:	27/02/2023
Authorised officer:	Steffan Saunders
